

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

&

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

LA.App..No. 135 of 2007()

LAR.24/1998 of ADDL.SUB COURT,KOLLAM

.....

APPELLANT: RESPONDENT:

STATE OF KERALA,
REP. BY THE DISTRICT COLLECTOR, KOLLAM.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA.

RESPONDENTS: CLAIMANTS:

RUGMINI AMMA, W/O.CHELLAPPAN PILLAI,
PAPPADAVILA VEEDU (KRISHNA VILASAM),
KOTTAKKAKOM, THRIKKADAVUR.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD
ON 13/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

KURIAN JOSEPH & K.T.SANKARAN, JJ.

L.A.A.No.135 of 2007

Dated 13th February, 2007.

J U D G M E N T

Kurian Joseph, J.

This appeal against the judgment and decree in L.A.R.No.24/98 on the file of the Additional Sub Court, Kollam. The acquisition is for the purpose of formation of National Highway bypass. The total extent involved is only 2.45 Ares. The Land Acquisition Officer fixed the land value at the rate of Rs.16,490/- per Are. The reference court enhanced the land value to Rs.37,050/- per Are. It is seen from the proceedings before the reference court that the claimant was examined as PW1 and he also produced Exts.A1 to A5 documents. According to the claimant, the properties covered by Exts.A3 to A5 and the acquired property are similar. The reference court however, has taken the view that except the testimony of PW1, there was no other evidence to show that the properties covered by Exts.A3 to A5 and the acquired property were similar. At the same time, the evidence of PW1 was relied on regarding the nearness of the property to the public offices and institutions of commercial importance and on that basis only, the land value was enhanced.

It has to be noted that there was no evidence for the appellant and in such circumstances, whether the evidence of PW1 would have been discarded itself is a question to be considered. Be that as it may, since the enhancement is based on the evidence regarding the commercial importance of the acquired property, we see no merit in the appeal. It is accordingly dismissed.

KURIAN JOSEPH, JUDGE.

K.T.SANKARAN, JUDGE.

tgs

KURIAN JOSEPH & K.T.SANKARAN, JJ

L.A.A. NO. OF 2004

J U D G M E N T

Dated 13th February, 2007.